

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

FRED SUTTON,

Plaintiff,

vs.

DOUGLAS CASPEN, PAC Spectrum
Medical Staff,

Defendant.

CV-15-12-GF-BMM

ORDER

Plaintiff Fred Sutton (Sutton) is a prisoner incarcerated at the Cascade County Regional Prison in Great Falls, Montana. Sutton is proceeding *pro se*. Sutton filed a Complaint on January 21, 2015, alleging that he was denied medical care in violation of the Eighth Amendment to the United States Constitution. The named Defendants were Cascade County Detention/Regional Center; Spectrum Medical; Douglas Caspen, PAC; Linda K. Brooks, LPN; DOC/MSP Monitor Mr. Godfrey; CCRP Grievance Coordinator Mr. Norris; and Spectrum Medical Staff.

United States Magistrate Judge John Johnston issued an Order on January 22, 2015, informing Sutton that his Complaint was defective because it failed to assert a specific claim against each Defendant. (Doc. 4 at 4). Judge Johnston gave Sutton an opportunity to file an Amended Complaint.

Sutton filed an Amended Complaint on February 5, 2015. (Doc. 6). The Amended Complaint names a single Defendant – Douglas Caspen, PAC. Sutton alleges that Caspen denied him medical care for his back in violation of the Eighth Amendment.

Judge Johnston entered Findings and Recommendations in this matter on March 16, 2015. (Doc. 8). Judge Johnston recommended that the claims against Defendants Cascade County Detention/Regional Center; Spectrum Medical; Linda K. Brooks, LPN; DOC/MSP Monitor Mr. Godfrey; CCRP Grievance Coordinator Mr. Norris; and Spectrum Medical Staff be dismissed without prejudice since they are not named as defendants in the Amended Complaint. Sutton did not file objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

All claims against Defendants Cascade County Detention/Regional Center; Spectrum Medical; Linda K. Brooks, LPN; DOC/MSP Monitor Mr. Godfrey; CCRP Grievance Coordinator Mr. Norris; and Spectrum Medical Staff

are DISMISSED without prejudice.

DATED this 28th day of April, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge